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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/723,271

11/26/2003

Ehud Levy

40654.283695

8769

23370 7590 03/20/2007  
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EXAMINER

CINTINS, IVARS C

ART UNIT

PAPER NUMBER

1724

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/20/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/723,271	<b>Applicant(s)</b> LEVY, EHUD	
	<b>Examiner</b> Ivars C. Cintins	<b>Art Unit</b> 1724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2,9-17 and 19-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 9-17 and 19-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 9-17 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiller (U.S. Patent No. 3,950,251) in view of Yanou et al. (U.S. Patent Application Publication No. 2004/0060873; hereinafter "Yanou"), and further in view of Carrubba et al. (U.S. Patent No. 5,338,458; hereinafter "Carrubba"). Hiller discloses a two-stage water filter cartridge comprising a first porous layer **19** formed of polyethylene (see col. 2, lines 33-35); a porous purification block **34** comprising polymer bonded activated carbon (col. 3, lines 7-11); and a cavity **35** between the inner surface of the first porous layer and the outer surface of the porous purification block, which cavity **35** is filled with granules of purification media, such as activated carbon (col. 3, lines 12-16). Accordingly, this primary reference discloses the claimed invention with the exception of the particle size (i.e. powdered) and type (i.e. catalytic char) of the purification material employed, the micron rating of the polyethylene block (claims 15 and 20), and the packed density of the porous purification material (claims 19 and 21). Yanou teaches that it is known to purify water with either granular activated carbon or powdered activated carbon (see ¶ 0016). It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the powdered activated carbon of Yanou for the granular activated carbon of Hiller, since this secondary reference teaches that both of these two forms of activated carbon are capable of being

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used in water purification filters. Also, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ powdered activated carbon having the recited particle size, since this recited particle size represents powdered materials. Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ polyethylene having the recited micron rating, and to construct the porous material such that it has the recited packed density, in order to ensure that the filtration assembly of the thus modified primary reference has an adequate capability for purifying water. Moreover, Carrubba discloses purifying water containing chloramines (col. 1, lines 11-12) with a catalytic char type activated carbon; and it would have been obvious to one of ordinary skill in the water purification art to employ this catalytic char in the filter of the modified primary reference, in order to provide chloramines removal capability for this modified primary reference filter.

Applicant's arguments filed January 9, 2007 have been noted and carefully considered but are not deemed to be persuasive of patentability. Applicant argues that Hiller and Yanou are directed to completely different filtration technologies that require different media, and the design of these devices precludes interchanging their media. Applicant further argues that the smaller particles of Yanou would be completely unsuitable for use in the device of Hiller because these particles will abrade against each other under pressure, will decrease in particle size very rapidly, and will become small enough to clog the carbon block filter or even pass through both the carbon block and pores in the shells, resulting in increased turbidity in the water. Applicant still further argues that utilizing smaller unbound particles in the filter of Hiller would lead to

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undesirable channeling. These arguments, however, appear to be based on mere speculation, and are therefore not deemed to be persuasive of patentability. Applicant has provided no evidence, such as comparative data, to support the conclusions presented in the amendment filed January 9, 2007; and mere conclusory statements, unsupported by objective evidence, are entitled to little weight in determining patentability. Cf. *In re Greenfield*, 571 F.2d 1185, 1188, 197 USPQ 227, 229 (CCPA 1978).

Applicant has also presented a declaration by Ehud Levy ("the Levy Declaration") in an attempt to demonstrate new and unexpected results for catalytic char when compared to activated carbon. This declaration, however, is not deemed to be persuasive because it is incomplete. The comparative test data mentioned in item 5 of this declaration, presumably contained in items 6 and 7 on page 2, has not been submitted. Upon receipt of a complete declaration, the above rejection will be reevaluated.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins whose telephone number is 571-272-1155. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Duane Smith, can be reached at 571-272-1166.

The centralized facsimile number for the USPTO is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Ivars C. Cintins**  
**Primary Examiner**  
**Art Unit 1724**

I. Cintins  
March 16, 2007